

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:12-CR-40-D-1

TONY MILLER,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the Court on the parties' joint motion to set a briefing schedule on Petitioner's motion pursuant to 28 U.S.C. § 2255 seeking vacatur of his conviction under 18 U.S.C. § 922(g) based on *United States v. Rehaif*, 139 S. Ct. 2191 (2019). For the reasons set forth in the parties' joint motion, the motion is GRANTED. It is further ORDERED that:


(a) Counsel for Petitioner shall make every effort to file any withdrawal of Petitioner's *Rehaif*-based Section 2255 no later than September 13, 2021;

(b) Respondent's motion to dismiss and supporting memorandum shall be due by October 13 unless Petitioner's motion is withdrawn before then;

(c) Petitioner's response, if any, shall be due within twenty-one (21) days of the filing of Respondent's motion to dismiss;

(d) Respondent's reply, if any, shall be due within fourteen (14) days after Petitioner's response.

SO ORDERED, this the 28 day of July, 2021.



JAMES C. DEVER III
United States District Judge